

2709

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION
V. : NO. 11-CR-057
JOSE NIEVES-GALARZA : (RAMBO, J.)

FILED
HARRISBURG, PA

JUN 29 2011

MEMORANDUM

MARY E. D'ANDREA, CLERK
Per AAA

1. Defendant, Jose Nieves-Galarza, requests a one hundred and twenty (120) day continuance of the trial in the above captioned case in order to allow counsel to further discuss disposition of the matter with the Defendant and the Government.

2. The Defendant was arraigned and discovery was provided to the defendant on March 17, 2011. Trial is currently scheduled to begin on July 5, 2011.

3. The Government and the Defendant have been and are currently involved in plea negotiations and the grant of a continuance would, in all likelihood, negate the need for disposition by trial.

4. The Defendant has been and is continuing to cooperate with the Government in the investigation and prosecution of other individuals and it is expected that the nature of this cooperation will necessitate a lengthy continuance.

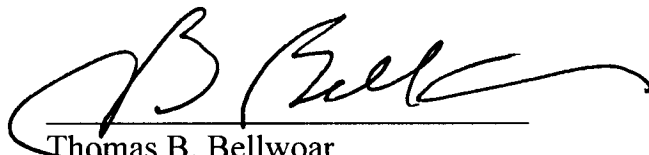
5. The Government, through its attorney, Assistant United States Attorney Wesley Page, concurs in this request, as plea negotiations are currently ongoing.

6. Pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A), where a period of delay results from the grant of a continuance based on a finding that the ends of justice served by the continuance outweigh the interests of the Defendant and the public in a speedy trial, such period of delay is excludable from the time for trial under the Speedy Trial Act.

6. Defendant, after consultation with counsel, believes that the ends of justice will be served in this matter by a continuance of the scheduled trial.

Accordingly, he requests that the Court grant a continuance of the trial herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Bellwoar', written over a horizontal line.

Thomas B. Bellwoar
Attorney for Defendant
Jose Nieves-Galarza

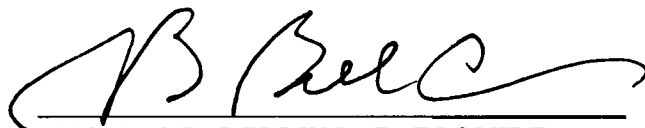
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CERTIFICATION OF SERVICE

I, Thomas B. Bellwoar, Esquire, hereby certify that on the 27th day of June, 2011, a true and correct copy of the Defendant's Motion for Trial Continuance and for Extension of Time for Filing of Pre-Trial Motions, Memorandum of Law and proposed Order were served on the following individuals by first class United States mail, postage pre-paid, at the following addresses:

Wesley Page, Esquire – United States Attorney
U.S. Department of Justice
Middle District of Pennsylvania
228 Walnut Street – Suite 220
Harrisburg, PA 17108



THOMAS B. BELLWOAR, ESQUIRE
ATTORNEY FOR DEFENDANT